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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/887,629	06/22/2001	Vipul Bansal	JP920010121US1	7402

29154 7590 09/09/2009  
FREDERICK W. GIBB, III  
Gibb Intellectual Property Law Firm, LLC  
2568-A RIVA ROAD  
SUITE 304  
ANNAPOLIS, MD 21401

EXAMINER
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AKINTOLA, OLABODE

ART UNIT	PAPER NUMBER
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3691

MAIL DATE	DELIVERY MODE
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09/09/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
09887629	6/22/2001	BANSAL ET AL.	JP920010121US1

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**EXAMINER**

OLABODE AKINTOLA

ART UNIT	PAPER
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3691	20090908
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DATE MAILED:

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**Commissioner for Patents**

The Examiner's Answer mailed on August 4, 2009 is not consistent with the new format under the revised BPAI final rule before the effective date of the BPAI final rule. The following adjustments are therefore required.

- (1) Please delete headings 3 and 5 and the associated statements under these headings.
- (2) Please insert following paragraph prior the heading 1 (Real Party of Interest).

"The appeal brief is filed in the new format under the revised BPAI final rule before the effective date of the BPAI final rule. The Office published the BPAI final rule to amend the rules governing practice before the BPAI in ex parte patent appeals. See Rules of Practice Before the Board of Patent Appeals and Interferences in Ex Parte Appeals; Final Rule, 73 FR 32938 (June 10, 2008), 1332 Off. Gaz. Pat. Office 47 (July 1, 2008). However, the effective date for the BPAI final rule has been delayed. See Rules of Practice Before the Board of Patent Appeals and Interferences in Ex Parte Appeals; Delay of Effective and Applicability Dates, 73 FR 74972 (December 10, 2008). In the notice published on November 20, 2008, the Office indicated that the Office will not hold an appeal brief as non-compliant solely for following the new format even though it is filed before the effective date. See Clarification of the Effective Date Provision in the Final Rule for Ex Parte Appeals, 73 FR 70282 (November 20, 2008). Since the appeal brief is otherwise acceptable, the Office has accepted the appeal brief filed by appellant."

/Alexander Kalinowski/  
Supervisory Patent Examiner, Art Unit 3691